

R E M A R K S

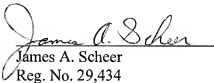
Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the accompanying amendments and the discussion that follows. Claims 1-50 are pending in this application. Claims 1, 6, 14, 17, 18, 33, 34 and 35 have been amended herein for the purpose of clarification, and a terminal disclaimer has been filed herewith. Claims 1-50 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims of U.S. Pat. No. 6,810,077. Claims 1-3, 5, 17-20, 22, 34-37 and 39 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,557,658 to Gregorek et al. ("Gregorek"). Claims 4, 6-16, 21, 23-33, 38 and 40-50 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gregorek. After a careful review of the claims as amended, it is believed that the remaining claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1-3, 5, 17-20, 22, 34-37 and 39 (including all the independent claims) have been rejected as being anticipated by Gregorek while the remaining claims have been rejected as obvious over Gregorek. Gregorek describes transmitting pre-recorded announcements during a telephone call in lieu of dial tone, ring back, or busy signals. Independent claims 1, 17, 18, 34, and 35 have been amended to call for automatically configuring the information based upon a profile generated by monitoring the user's use of the device. (see e.g. paragraph 0024) This feature is not taught or suggested by Gregorek. Thus, the independent claims 1, 17, 18, 34 and 35 are believed to be distinguishable over Gregorek and are therefore neither anticipated nor rendered obvious by Gregorek. In addition, the dependent claims 2-16, 19-33 and 36-50 are believed to be allowable because they depend from allowable base claims 1, 18, and 35.

Claims 1-50 were also rejected under the doctrine of obviousness-type double patenting over claims of U.S. Pat. No. 6,810,077. A terminal disclaimer has been submitted herewith to overcome this rejection.

As discussed above, claims 1-50 are not anticipated or rendered obvious by the cited references. Therefore, allowance of all pending claims 1-50 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,


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